

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS

JOE W. AND DOROTHY DORSETT  
BROWN FOUNDATION and  
CHAMBERS MEDICAL FOUNDATION

CIVIL NO.: A-11-CA-807-SS

VERSUS

FRAZIER HEALTHCARE V, L.P.; and  
FRAZIER HEALTHCARE III, L.P.; and  
FRAZIER AFFILIATES III, L.P.; and  
TREVOR MOODY; and ALAN FRAZIER;  
and STEVEN TALLMAN; and GUY MAYER;  
and NATHAN EVERY; and JEFFREY NUGENT

**JOINT REPORT ON ALTERNATIVE DISPUTE RESOLUTION**  
**PURSUANT TO LOCAL RULE CV-88**

Pursuant to Local Rule CV-88 for the United States District Court of the Western District of Texas, Plaintiffs, Joe W. and Dorothy Dorsett Brown Foundation and Chambers Medical Foundation (Plaintiffs), and Defendants, Frazier Healthcare V, L.P., Frazier Healthcare III, L.P., Frazier Affiliates III, L.P. (“the Entity Defendants”), Trevor Moody, Alan Frazier, Steven Tallman, Guy Mayer, Nathan Every, and Jeffrey Nugent (the “Individual Defendants”) (collectively “Defendants”) jointly submit the following report:

A. Pursuant to this Court’s scheduling order, Plaintiffs have submitted a settlement offer to Defendants, which was rejected. Defendants countered with a settlement offer to Plaintiffs, which was likewise rejected by expiration. It is unknown at this time if further negotiations will occur.

B. The parties responsible for settlement negotiations for the Plaintiffs are Michael Reese Davis, attorney for Plaintiffs and Edwin K. Hunter, representative of the Brown Foundation. The party responsible for settlement negotiations for the Individual

Defendants is Clay Bassar-Wall, attorney for the Individual Defendants. The parties responsible for settlement negotiations for the Entity Defendants are Nicholas Even, attorney for the Entity Defendants, and Tom Hodge, representative of the Entity Defendants.

C. Plaintiffs believe alternative dispute resolution (“ADR”) is appropriate in this case and would suggest mediation as the preferred choice. The Individual Defendants and the Entity Defendants do not believe ADR would be productive at this time.

D. The undersigned counsels hereby certify that their clients have been informed of the ADR procedures available in this district.

Jointly submitted this 1<sup>st</sup> day of May, 2012,

HYMEL DAVIS & PETERSEN

s/Joseph E. Blackwell

Joseph E. Blackwell, TX Bar #24045504

Michael Reese Davis (*pro hac vice*)

Timothy Hartdegen (*pro hac vice*)

10602 Coursey Boulevard

Baton Rouge, LA 70816

Telephone: 225-298-8118

Fax: 225-298-8119

jblackwell@hymeldavis.com

HOHMANN, TAUBE & SUMMERS, LLP

Robert A. Summers

Texas Bar No. 19506800

Cleveland R. Burke

Texas Bar No. 24064975

100 Congress Ave., 18<sup>th</sup> Floor

Austin, Texas 78701

Telephone: 512-472-5997

Fax: 512-482-5248

**Counsel for the Brown Foundation  
and Chambers Medical  
Foundation**

HAYNES AND BOONE, LLP

By: /s/ Nicholas Even

Nicholas Even  
State Bar No. 24014446  
2323 Victory Avenue, Ste. 700  
Dallas, TX 75219  
Telephone: 214-651-5000  
Fax: 214-651-5940

Leslie C. Thorne  
State Bar No. 24046974  
600 Congress Ave., Ste. 1300  
Austin, TX 78701  
Telephone: 512-867-8400  
Fax: 512-867-8600

**COUNSEL FOR DEFENDANTS  
FRAZIER  
HEALTHCARE V, L.P., FRAZIER  
HEALTHCARE III, L.P., and  
FRAZIER  
AFFILIATES III, L.P.**

WILSON SONSINI GOODRICH &  
ROSATI

By: /s/ Clay Basser-Wall

Clay Basser-Wall  
State Bar No. 24054189  
900 South Capital of Texas Highway  
Las Cimas IV, Fifth Floor  
Austin, TX 78746  
Telephone: 225-338-5400  
Fax: 225-338-5499

Terry T. Johnson (*pro hac vice*)  
Luke Liss (*pro hac vice*)  
650 Page Mill Road  
Palo Alto, CA 94304  
Telephone: (650) 493-9300  
Fax: (650) 565-5100

**COUNSEL FOR DEFENDANTS  
TREVOR MOODY, ALAN FRAZIER,  
STEVEN TALLMAN, GUY MAYER,  
NATHAN EVERY, and JEFFREY  
NUGENT**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 1<sup>st</sup> day of May, 2012, the above and foregoing was electronically filed with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all counsel of record by operation of the court's electronic filing system.

s/Joseph E. Blackwell  
Joseph E. Blackwell, TX Bar #24045504  
10602 Coursey Boulevard  
Baton Rouge, LA 70816  
Telephone: 225-298-8118  
Fax: 225-298-8119  
jblackwell@hymeldavis.com